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SUMMARY RECORD OF THE 6th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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* Items which the Committee has decided to consider together.

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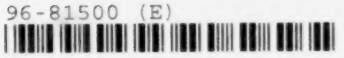

The meeting was called to order at 3 p.m.

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/51/3 (Parts I and II), A/51/208-S/1996/543, A/51/327, A/51/357, A/51/450; A/C.3/51/L.2 and L.3)

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AGENDA ITEM 158: QUESTION OF THE ELABORATION OF AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME (continued) (A/C.3/51/7)

1. Mr. AKBAR (Antigua and Barbuda), speaking on behalf of the 13 member States of the Caribbean Community (CARICOM) that were Members of the United Nations, said that the CARICOM States had comprehensive national policies on crime prevention and criminal justice which sought to ensure the highest standards of behaviour from those who served in public office. Those policies also embraced activity at the grass-roots level, acknowledging the work of community-based non-governmental organizations in crime prevention. The CARICOM States supported the international code of conduct for public officials and the United Nations declaration on crime and public security, both of which the Economic and Social Council had recommended for adoption by the General Assembly. They also supported the resolution adopted at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, 1995), recommending the elaboration of a programme of action regarding the application of human rights instruments in the administration of justice.

2. Of ever-increasing significance for the CARICOM States was the rise in extraterritorial criminal activity. Its increasingly transnational nature called for an aggressive international counter-attack. The CARICOM States would follow closely the question of elaborating an international convention against organized transnational crime. Their defences were inadequate against the vast resources available to drug traffickers and against the accompanying traffic in small arms and ammunition. States which manufactured and sold arms should strengthen their control measures and provide technical assistance to vulnerable countries to fight that illicit traffic. The ongoing debate and resulting proposals on the regulation of firearms were particularly useful.

3. Juvenile justice remained an all important issue. With growing concerns over high youth unemployment and the traffic in illicit drugs, the CARICOM States were committed to addressing the plight of young people as victims and perpetrators of crime. Several innovative preventive measures had been taken in the Caribbean with respect to juvenile crime, including youth crime prevention clubs to assist in redirecting anti-social behaviour. CARICOM States were also stepping up internal pressure against organized transnational crime. Those included designating special officials to lead national action against drug trafficking and related crimes, sanctions and penalties, extradition agreements, asset seizure and forfeiture strategies, and measures to reduce demand. A regional meeting on drug-control cooperation in the Caribbean, held in Barbados in May 1996, had produced a plan of action calling for, inter alia, the creation

or strengthening of national drug bodies, review of domestic drug-control laws to ensure consistency, and an integrated strategy to address demand and supply reduction, and improved maritime cooperation.

4. Regarding the role of criminal law in the protection of the environment, the CARICOM Governments had expressed grave concern at the clandestine shipment of hazardous material through the Caribbean. CARICOM States were intent on taking preventive action before a disaster was visited upon the region.

5. The CARICOM States were gratified by the support for national efforts for crime prevention and criminal justice. However, enhanced international cooperation was needed to support national structures; additional arrangements should be concluded in order to enhance collaboration and maximize effectiveness. He expressed concern at the lack of resources available to the Commission on Crime Prevention and Criminal Justice; some newly created posts had been frozen owing to cost-saving measures and a number of planned activities had been postponed.

6. For small vulnerable economies such as those of CARICOM, the loss of income, lack of productivity and social disintegration that resulted from criminal activity had a multiplier effect that required a renewed commitment from all members of society. CARICOM Governments were committed to upholding the rule of law within their societies in order to ensure that their countries were safe for all, citizens and visitors alike.

7. Mr. CAMACHO OMISTE (Bolivia) said that, just as the restructuring of the world economy had not yet succeeded in solving the problem of poverty, international drug-control programmes had so far been unsuccessful. Poverty was a major factor in the role of Bolivia as a producer of raw materials used in the manufacture of drugs. The decline in international cooperation on drug control was a matter of great concern.

8. Bolivia had implemented an integrated anti-drug policy, including prevention, interdiction, the eradication of surplus coca crops, and alternative development. In 1995, some 5,500 hectares of coca had been eradicated; the Government's goal for 1996 was 6,000 hectares. Over the past two years, those measures had prevented the production of about 30,000 tons of coca leaves, or 80 tons of cocaine. The implementation of the policy had cost approximately $27 million, most of which had come from the country's own resources, and the rest from friendly States. Bolivia was spending more than any other country, as a percentage of its gross domestic product, in the fight against illegal drugs. As a result of the alternative development policy, there were currently 93,000 hectares of alternative crops in the coca-growing area of Bolivia, compared to 40,000 hectares in 1986. As for interdiction, the Government had succeeded during the current year in destroying numerous illicit drug-producing factories and in confiscating several tons of drugs and a considerable quantity of chemical precursors.

9. Bolivia had shown the political will to make considerable progress in combating drug trafficking. However, increased international cooperation was essential. Consumer countries must make increased efforts and establish verifiable targets for reducing the consumption of drugs, otherwise the

Government's efforts would be in vain and the poorest countries would continue bearing the burden alone. Efforts to reduce supply and demand should be evaluated objectively by the International Narcotics Control Board. Unilateral assessments were unfair, failed to take account of the principle of shared responsibility, and contravened the principles of international law. To combat money laundering, a byproduct of the illicit drugs trade, States should review their internal legislation and monitor financial transactions.

10. The United Nations was the best instrument for preventing the struggle against drugs from becoming an endless war. He welcomed the Economic and Social Council's recommendation for a special session of the General Assembly in 1998 to prepare a new strategy. The campaign against drugs must focus on balanced efforts by the international community, determined participation by civil society, and respect for the sovereignty and dignity of States.

11. Mr. MARTINI HERRERA (Guatemala), speaking on behalf of the Central American countries (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua), said that it was a matter of grave concern to those States that, despite the positive changes taking place on the international level, drug-trafficking organizations continued to take advantage of the liberalization of trade to carry out their illicit activities and to strengthen their position in the legitimate sectors of the economy. Their activities and the laundering of their ill-gotten gains gave those organizations sufficient economic strength to undermine democratic institutions and distort the economy. Central America was suffering the consequences of its geographical location, which made it a transit zone for drug smuggling, a scourge which respected no one and affected all societies.

12. At a recent summit of Ibero-American States held in Miami, agreement had been reached to elaborate a new international instrument against money laundering, and a series of joint actions had been adopted to combat drug trafficking. At a recent ministerial meeting in Guatemala City, the Central American States had decided to adopt uniform legal provisions against money laundering.

13. The scale of the problem called for a reaffirmation of political will and national determination, as well as the strengthening of international cooperation. The Central American States had promoted a regional agreement for the eradication of drug trafficking, undertaken to enact laws and implement drastic measures to prevent the Central American isthmus from becoming a base for drug traffickers whose principal target was the United States market. A security treaty had been signed, and the fight against drug trafficking was one of its major aspects. Interregional cooperation strategies would be developed, with periodic exchanges of information and measures to improve control over the regional trade in chemical precursors.

14. The young people of Central America were in grave danger owing to the use of the region for the transit of illicit drugs. Only with the cooperation of the consumer countries could progress be made. That would require increased participation by the United Nations International Drug Control Programme (UNDCP) in monitoring and technical cooperation. It should coordinate the work of the various bodies of the United Nations system, particularly for the protection of the young, who were becoming the main target of the drug mafia.

15. It was gratifying that a broad consensus had been achieved in the Economic and Social Council regarding the holding of a special session of the General Assembly on international drug control. Efforts for the eradication of the scourge of drug trafficking must be supported; the harm caused by the consumption, production and trafficking of drugs could not be accepted. The situation was steadily worsening and the international community must renew its commitment to the fight against that common enemy.

16. Mr. GAL (Israel) said that all States shared great concern about the spread of organized transnational crime, which was causing enormous harm to many societies. There seemed to be increasing homogeneity in criminal activities. Violence, including terrorism, as well as environmental crime, money laundering and computer crime, all affected the international community as a whole. It was vital for States to cooperate and to share their knowledge and experience. Democratic societies were constantly undermined by new types of crime such as corruption, white collar crime, trafficking in endangered species and smuggling of radioactive material.

17. In Israel, drug trafficking and drug abuse had become a grave issue only during the past 15 years. His Government was aware that it was necessary to provide law-enforcement agencies with the tools and resources for crime prevention. Though a young country, Israel had considerable experience in the area of law enforcement, which it was willing to share. The international community must act in a more proactive manner, establishing systems to exchange information quickly and effectively, and setting up early warning systems at the local, regional and interregional levels. Permanent global and regional forums should be established for strategic planning in crime prevention. The Mediterranean States had already begun interacting in that way.

18. With the advancement of the Middle East peace process, Israel had established diplomatic relations with many countries, a number of which had offered cooperation in crime prevention. Israel had also provided assistance to some of the emerging democracies, countries in transition and developing countries. Israel put great emphasis on the protection of youth and the rehabilitation of prisoners and ex-prisoners. New legislation concentrated on the protection of children, the aged, battered spouses and the mentally ill. There had also been a steady trend to decriminalize certain acts by means of a new non-criminal penalty, the civil fine. Basic human rights in Israel were protected both by legislation and by court decisions. Some of those rights had recently been formulated in a new basic law entitled "Human Dignity and Liberty". New legislation was also being prepared on mutual assistance between countries in the fight against sophisticated criminal activities such as money laundering and computer crime.

19. The public was a vital element in the general effort to combat crime. Without grass-roots community involvement in all areas of crime prevention, from legislation through enforcement, the Government's attempts would fail. Israel also looked to other Member States to share their experiences in community policing and the use of multi-agency approaches in crime prevention.

20. States should put aside their differences and join together to achieve their common goals by sharing information and experience. Only through coordinated global and regional efforts could effective and fruitful cooperation be achieved.

21. Mrs. KABA (Côte d'Ivoire) said that, although the political will to combat drug trafficking existed, most developing countries, particularly in Africa, woefully lacked the means to do so. Her country had ratified the international drug-control treaties and had adopted laws and measures to implement them. Nevertheless, drug trafficking was on the increase because of a lack of structures and qualified personnel to combat it. Increased international cooperation focusing on the suppression and prevention of drug trafficking was essential.

22. Together with the other States in its subregion, Côte d'Ivoire was conducting an intensive anti-drug effort under the auspices of the regional office of the United Nations International Drug Control Programme (UNDCP). A subregional committee had been established to help States set up effective national drug control structures. With the assistance of UNDCP, the States concerned had undertaken to promote subregional and international cooperation and take forceful measures to combat drug trafficking. Nevertheless, owing to a lack of adequate equipment and training and the general "porous" nature of their borders, the States of West Africa were preferred terrain for drug traffickers. The Programme had been requested to assist them in such areas as the supply of equipment, training and drug detection.

23. Her delegation supported the convening of a special session in 1998 of the General Assembly on international drug control, which would make it possible to reaffirm the leading role of UNDCP and provide the Programme with the necessary resources to carry out its mandate. The Committee should consider ways to ensure that UNDCP had the resources it required. Her delegation supported the proposal to enlarge the number of donors to the Programme and felt that others could contribute on a voluntary basis. Real solidarity was required in order to put an end to the drug cartels and other transnational criminal organizations. Imposing a ban on money laundering was another way to combat drug trafficking. Furthermore, funds seized should be used to support measures to halt drug trafficking and drug abuse. That approach could be applied at the international level in order to support UNDCP and enhance its effectiveness.

24. Mr. de SILVA (Sri Lanka) said that his delegation had welcomed General Assembly resolution 50/145, on the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and resolution 50/146, on strengthening the United Nations crime prevention and criminal justice programme, particularly its technical cooperation capacity. His Government noted the usefulness of the recommendations of the Ninth Congress, particularly in formulating national legislation and policy directives, and believed that international cooperation and practical technical assistance were vital in crime prevention and in combating organized transnational crime. That cooperation must take account of new forms of transnational crime, such as the link between illicit drugs and arms trafficking, money laundering and trafficking in persons. There was a clear need to intensify cooperation between United Nations bodies in

the field of drug control and crime prevention and relevant multilateral and regional institutions.

25. Sri Lanka had established an interministerial committee to formulate legislation to combat money laundering and favoured practical cooperation among Member States in formulating and enforcing such legislation. The organized smuggling of illegal immigrants had assumed alarming proportions and was closely linked to drug and arms smuggling and illegal fund-raising for terrorist activities. A serious study should be carried out to determine whether the international legal instruments in that field were adequate or whether the time had come to consider the elaboration of a more comprehensive instrument. The growing links between transnational organized crime and terrorist crimes posed a formidable challenge to the international community. In that connection, the proposal submitted by Poland on the elaboration of a draft convention against organized crime (A/C.3/51/7) should be given careful consideration, taking into account the ongoing initiatives in the Sixth Committee on measures to eliminate international terrorism.

26. Sri Lanka fully supported General Assembly resolution 50/148, on international action to combat drug abuse and illicit production and trafficking, which was balanced and comprehensive. The relevant international drug-control agencies should engage in bilateral, regional and international cooperation. His country was a party to the major multilateral conventions on drugs, and the Sri Lankan National Dangerous Drug Control Board was taking appropriate action to carry out its obligations through the formulation of national legislation.

27. Mr. ARDA (Turkey) said that his country attached great importance to the Commission on Crime Prevention and Criminal Justice and actively participated in its deliberations. Turkey was interested in the Commission's work regarding the links between transnational organized crime and terrorist criminal activities, and regretted the attempts to stop the deliberations of the Commission's working group on that question.

28. United Nations involvement was necessary in order to take concerted action against terrorism. In that connection, he pointed out that an innocent-looking organization established in one country could easily act as a front organization for criminal groups in other countries. Countries should remember their obligations under international law and not tolerate the functioning of such organizations in their territory. Turkey also supported efforts to enhance criminal law in protecting the environment.

29. His country closely followed steps taken to eliminate violence against women and children and their sexual exploitation, and had supported the idea of drafting a convention on illicit trafficking in children. His delegation also supported the draft United Nations declaration on crime and public security as well as the draft international code of conduct for public officials, both of which were recommended for adoption by the General Assembly. Turkey was looking forward to a successful Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and was ready to contribute in that regard. Cost-saving measures had affected the work of the Crime Prevention and Criminal Justice Division. It was hoped that a way would be found to enable the Division

to meet the needs of Member States. He commended the proposal by Poland to elaborate a draft international convention on organized crime and felt that the Commission on Crime Prevention and Criminal Justice would be able to draw up the necessary instrument in a reasonable period of time.

30. United Nations drug-control activities were of utmost importance to his country. Turkey was using the most secure system of poppy straw cultivation, which prevented diversion to illicit channels. With its scarce resources, his country was providing technical and legal assistance to combat illicit cultivation and was doing its utmost to prevent its territory from being used as a transit route for illicit drug trafficking. The responsibility to meet the challenges in that field lay not only with Governments but also with a civil society. Turkey was a party to all the international drug-control treaties and contributed to the efforts of the United Nations International Drug Control Programme (UNDCP) to carry out its mandate. Lastly, his country was looking forward to participating in the work of the special session of the General Assembly on international drug control and was seeking election to the Commission on Narcotic Drugs at the forthcoming session of the Economic and Social Council.

31. Mr. DICK (United Nations Children's Fund (UNICEF)) said that substance abuse was one of a group of high-risk behaviour patterns that particularly undermined the health and development of young people between 10 and 24 years of age. Despite their growing independence, adolescents continued to rely on adults to meet many of their needs with regard to health and development. Those needs had been defined as rights under the Convention on the Rights of the Child. In many ways, the pandemics of drugs, HIV/AIDS and violence resulted from a failure to protect the rights of children in their second decade of life. In recent years, the Fund had been developing its programming approaches to young people's health and development, focusing on the acceleration of national programme efforts in about 20 countries around the world. The major programme elements were national planning and policy development, school-based interventions, youth-friendly health services, health promotion and outreach through non-governmental organizations and other community organizations, and more effective collaboration with the information and entertainment media.

32. Collaboration and partnership development were central themes of the Fund's youth-health activities. Working closely with WHO and UNFPA, UNICEF had developed a common agenda for action and a common framework for programming. In all such activities, UNICEF had endeavoured to ensure that there was a focus on drug abuse, in addition to other high-risk behaviour that undermined young people's health. In terms of specific support for drug-related programming, UNICEF would continue to develop national and regional capacities to protect the rights of all children, particularly the disadvantaged, focusing primarily on demand reduction.

33. UNICEF had strengthened its cooperation with UNDCP in a number of areas and had also contributed to the development of the System-Wide Action Plan on Drug Abuse Control, and would continue to work with other partners in carrying out activities. UNICEF would continue to place the problem of drugs within a broader context linking substance abuse to the other interrelated problems that undermined young people's health and development, and would give greater attention to substance abuse in programme efforts focusing on the protection of

children's rights. UNICEF would also continue to strengthen its partnerships with United Nations agencies, non-governmental organizations and other bodies dealing with substance abuse. It would seek to ensure that young people were placed at the centre of programme development and implementation.

34. Mr. GIACOMELLI (Director-General, United Nations Office at Vienna) said that drug abuse was a global problem, requiring a collective, global response. UNDCP must serve to unite and coordinate the mandates of all previously existing agencies, and serve as a special agency and skills resource centre. Member States must contribute to the creation of a stable human and financial resource base for UNDCP in order to permit it to function more effectively.

35. In reply to a question from Mr. BORDA (Colombia) concerning the methodology to be adopted in order to evaluate the application of drug control instruments, he said that the application of instruments was a highly political matter. Civil society seemed to be in the grip of growing defeatism, not because of the lack of instruments, but because those instruments had not been properly applied. Care must be used to observe the sovereignty of each Member State, and constructive dialogue and mutual understanding were important in determining what each State had done to implement the procedure decided upon. It would be useful to have a mechanism to gauge the extent to which commitments had been complied with. In reply to a further question from the representative of Colombia, concerning the apportioning of funds from the new general funding base, he said funds were needed to fill in gaps between ad hoc projects financed specifically by a particular donor.

36. In response to a question from Mrs. MESDOUA (Algeria) concerning intergovernmental control of drugs, he said that the matter was, again, highly political, and dependent on the will of Member States. An appropriate method acceptable to all Member States must be found in order to evaluate the validity of existing instruments and the need for change. The Secretariat would remain available to assist in that respect.

37. With regard to the concern expressed by Mr. GOODERHAM (United Kingdom) as to the situation in Afghanistan, he said that a dialogue had been consistently maintained with the Afghans. Monitoring cultivation of the poppy plant had confirmed a dramatic increase in the production of opium and other refined drugs. It was important to take into account the vital economic input of drugs to every area of life in that country. The Taliban currently controlled so much of the drug-producing area that it was essential to establish contact with them, as it was urgent to maintain dialogue with whichever party would ultimately rule the country. Discussions had been held with the Ministry of Foreign Affairs with regard to possible future cooperation, and he himself would visit the country as soon as possible.

38. Replying to a question from Mr. GUILLÉN (Peru), he concurred that synthetic drugs represented a major new threat. In the previous year, a study carried out by UNDCP on the problem of synthetic drugs, which was regarded as a priority, had been submitted to the Commission on Narcotic Drugs. The results of the study would be reviewed at a technical conference to be held in Shanghai. Since new synthetic substances were produced daily, the issue of legality had become a grey area. The special session of the General Assembly on international drug control might therefore wish to consider amendments to the Convention on

Psychotropic Substances of 1971. In his view, however, the fundamental problem lay not in defining which substances were legal, but in understanding how human society had evolved to produce a culture in which increasing numbers of people were resorting to chemical substances in order to modify their behaviour.

39. Replying to a question from Mr. ARDA (Turkey) regarding the possible effect on demand control of legalizing the possession of small amounts of soft drugs, he said that as custodian of the conventions on drug control, he could not support such a step. Nevertheless, he was aware of the ongoing debate in society. Ultimately, any decision on the matter must be taken by Governments. Given that increasing numbers of young people were experimenting with soft drugs, there were those who argued that to legalize possession would simply be to recognize an existing fact. He urged them to reconsider their view. Numerous studies had shown that among heroin and cocaine users, a high proportion had become dependent after experimenting with soft drugs. Furthermore, as a result of technological advances, soft drugs were now far more potent and in consequence more dangerous than before. It had cost the international community much effort to build a common policy on drug control. Unilateral initiatives by individual cities or countries would surely weaken that unity. He called on all concerned to work together, putting aside differences on methods and strategies, in order to achieve the common goal of eradicating the scourge of drugs.

40. Replying to a question from Mr. MAYERHOFER-GRUNBÜHEL (Austria), he said that the joint initiative on money laundering was an ambitious project launched in response to calls in the Naples Political Declaration for enhanced coordination between the activities of UNDCP and the United Nations Crime Prevention and Criminal Justice Division. Both were working in close cooperation with the Financial Action Task Force in order to avoid duplication. A very broad range of areas would be covered, including legislation, institution-building, assistance to Member States, training and the use of new technologies to track illegal assets. The first meeting of the joint committee established to implement the money-laundering initiative would take place shortly.

41. Replying to a question from Mr. REZVANI (Islamic Republic of Iran), he agreed that the efforts to control the supply of drugs from Afghanistan would yield results only if UNDCP had the support of all parties. Accordingly, the schedule for his forthcoming visit to Afghanistan had included meetings with all the key players in that country. However, given the recent development of the situation there, it had proved necessary to scale down those plans. He would now concentrate on establishing dialogue with the forces controlling the major production areas. He recognized that cooperation with Afghanistan was vital because of its strategic location as a bridge between Central and South-West Asia. Efforts made by countries such as the Islamic Republic of Iran and Pakistan to stem the flow of drugs from Afghanistan had simply pushed the traffic northwards, via the former Soviet republics of Central Asia. He urged Afghanistan to join with the other countries of the region in signing a memorandum of understanding with UNDCP and to become a partner in the fight against drug trafficking.

The meeting rose at 5.15 p.m.